



General Assembly

***Substitute Bill No. 1019***

*January Session, 2011*

\* \_\_\_\_SB01019CE\_\_\_\_030911\_\_\_\_ \*

***AN ACT EXPEDITING THE STATE PERMITTING PROCESS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-6p of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) Not later than seven days from June 9, 2010, the Commissioner  
4 of Environmental Protection shall commence a review of the existing  
5 time frames for the review of all individual permits issued by the  
6 department. Not later than September 30, 2010, the commissioner shall  
7 issue a comprehensive report, in accordance with the provisions of  
8 section 11-4a, to the Governor and the joint standing committee of the  
9 General Assembly having cognizance of matters relating to the  
10 environment that (1) proposes a plan to establish a pilot expedited  
11 permitting process for not less than two hundred representative  
12 manufacturing or other industrial facilities, (2) prescribes changes to be  
13 made to the department's review schedules for individual permits,  
14 including reducing the time frames for identifying deficiencies in  
15 permit applications and issuing tentative determinations in accordance  
16 with subdivisions (2) and (3) of subsection (b) of this section, and (3)  
17 indentifies the process improvements, additional resources, staffing  
18 and programmatic changes necessary to meet such time frames.

19 (b) The Commissioner of Environmental Protection shall adopt

20 regulations in accordance with the provisions of chapter 54,  
21 establishing schedules for timely action for each application for a  
22 permit for activity regulated under this title. Such schedules may be  
23 based on the lengths of time that the commissioner deems appropriate  
24 for different categories of permit applications and permits and may  
25 address situations when more than one permit is required for the  
26 regulated activity. Each such schedule shall contain the following:

27 (1) A provision that the schedule shall begin when an application is  
28 received by the Department of Environmental Protection, any public  
29 notice requirements have been fulfilled and the application fee is paid;

30 (2) One or more periods of reasonable length, but not longer than  
31 ninety days, based on the nature and complexity of the review  
32 required of the department, at the end of which time the department  
33 shall issue a decision to grant or deny the permit or identify  
34 deficiencies in the application, provided the schedule may also  
35 reasonably limit the amount of time in which the applicant may  
36 remedy such deficiencies. If, after ninety days, the department has  
37 issued no decision, such application shall be deemed approved. All  
38 reasonable efforts shall be made by the department to ensure that  
39 deficiencies in any application for a permit are identified and the  
40 applicant notified in writing of such deficiencies not later than sixty  
41 days after the department receives such application;

42 (3) A period of reasonable length, but not longer than ninety days,  
43 based on the nature and complexity of the review required of the  
44 commissioner, beginning with receipt of materials submitted by the  
45 applicant in response to the commissioner's identification of  
46 deficiencies, at the end of which time the commissioner shall issue a  
47 tentative determination to grant or deny the permit. All reasonable  
48 efforts shall be made by the department to issue a tentative  
49 determination to grant or deny a permit not later than [one hundred  
50 eighty] ninety days after the department determines that the  
51 application materials are sufficient, provided such [one-hundred-  
52 eighty-day] ninety-day period shall not include any period of time

53 during which the commissioner has requested, in writing, and is  
54 waiting to receive, additional application materials from an applicant;

55 (4) A period of reasonable length after such tentative determination  
56 and the conclusion of any public hearing held with regard to such  
57 decision;

58 (5) Allowance for applicable state or federal public participation  
59 requirements; and

60 (6) A provision extending the time periods set forth in subdivisions  
61 (2) and (3) of this subsection when action by another state agency or a  
62 federal or municipal agency is required before the commissioner may  
63 act, when (A) judicial proceedings affect the ability of the  
64 commissioner or the applicant to proceed with the application, (B) the  
65 commissioner has commenced enforcement proceedings which could  
66 result in revocation of an existing permit for the facility or regulated  
67 activity that is the subject of the application and denial of the  
68 application, or (C) the applicant provides written assent extending any  
69 applicable time period.

70 (c) The commissioner shall annually compile and report on the  
71 department's Internet web site, by category of permit, instances in  
72 which the schedules for timely action set forth in this subsection were  
73 not achieved and explanations for the department's inability to meet  
74 such time frames.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2011	22a-6p
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**CE** Joint Favorable Subst.